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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,345	12/15/2000	Jacques Nault	14545-1 "USPR	8752
24222	7590	11/29/2005	EXAMINER	
MAINE & ASMUS 100 MAIN STREET P O BOX 3445 NASHUA, NH 03061-3445			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,345

Applicant(s)

NAULT, JACQUES

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-47 and 52-55 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended, for example, claim 12 by breaking the previously presented first step into two separate steps. Previously the claims include receiving accounting data including accounts and amounts corresponding to an account balance resulting from one or more transactions. Now the claim receives account data limited to having a plurality of accounts, wherein each account has a corresponding amount and an accounting direction. The claim then includes a new second step which states computing an account balance resulting from one or more transactions. Examiner finds this new step to be render the claims indefinite. Specifically, it is unclear how the system computers account balances from one or more transactions when the system only receives accounting data that includes accounts, amounts and a direction. Where does the data come from for this second step?

As such Examiner interprets the claims as described in the previous Office Action. Namely the transaction information is received by the system which includes an account reference. The system then groups the accounting data by combining it with the Chart of Accounts and thus "computes the account balances" as required by the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-13, 15-17, 20-43 and 48-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Peachtree.

See previous Office Action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peachtree in view of Official Notice.

See Previous Office Action

Claims 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peachtree in view of Sampson.

See Previous Office Action

Response to Arguments

Applicant's arguments filed 9/6/05 have been fully considered but they are not persuasive. In particular, Examiner notes most of Applicants arguments submitted over 33 pages discuss the features and capabilities of the disclosed invention. Applicant provides a limited number of specific claimed limitations that are missing from Peachtree. Rather it appears to the Examiner that Applicant is attempting to read these features and capabilities from the Specification into the claims. It is the Examiner intent to address each argument that addresses a specific claimed limitation that Applicant believes is missing from Peachtree.

Applicant asserts on page 20 of the arguments that Peachtree requires a predefined chart of accounts in order to function. Examiner notes that while this maybe true it does not limit Peachtree from also "receiving an electronic file of accounting data having a plurality of accounts, wherein each account has a corresponding amount and an accounting direction for said amount." Examiner asserts that Peachtree receives this accounting data and groups it based on the chart of accounts. Applicant discusses a similar step on page 10 of the specification ("When looking at the organization of the data of the chart of accounts . . .") By this admission, Applicant also has a "chart of accounts" used by the present invention to group and organize the incoming accounting data.

Applicant asserts on page 24 that Examiners position that "the roll up of Accounts 54000 and 64000 as 'Expense' represents grouping the two accounts into financial statement items" is wrong because Expense is a "category of items". It appears from this argument that Applicant

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is making up definitions to suit the particular position. Applicant defines a financial statement item as “a group of accounts”. Therefore, based on this definition, if 54000 and 64000 roll up into the “Expense” item, then Expense must be a financial statement item.

Applicant continues this line of argument through page 26 including the assertion that “Income, Cost of Goods, Expenses, Other Income and Other Expenses noted in B-6, (and) B-7 are also not Financial Statement items as they have no respective balances.” Once again Examiner relies on Applicant’s own definition (a group of accounts). First this does not require a balance to meet this definition. Secondly, they do have balances as presented on the Financial Statements.

Applicant asserts on page 26-29 that the sequential ordering of the Chart of Accounts differentiates over Applicant’s invention because Applicant’s Chart of Accounts is not required to be in this “fixed sequential order”. Examiner notes that this is merely a design choice for Peachtree. The system of Peachtree would operate the same what if the Chart of Accounts were in any order, as the system matches the account number in the journal entry with the account number on the Chart of Accounts. As such it is the position of the Examiner that the Chart of Account of Peachtree is not required to be in a fixed and sequential order to operate as taught by the prior art.

Applicant asserts on page 29 that Peachtree does not show a level of detail on the financial statements. Examiner respectfully disagrees and takes the position stated in the previous office action, as Examiner believes the record is clear.

Applicant asserts on page 30 that “the present invention allows the user to navigate from the financial statement information displayed to the user and provides the ability to quickly locate additional information in the first, second and third levels of detail.” Examiner notes Applicant has not claimed this feature and further provides no specific limitation that includes these features. Rather relies on a broad assertion that this feature is contained as part of claims 13-17. Examiner disagrees that this feature is positively claimed.

Applicant asserts on page 30 that “the same ASCII file generated by Peachtree CANNOT even be input back to Peachtree.” Examiner fails to see the limitation in claim 20 that requires that an ASCII file generated from the accounting software must be put back into the software.

Applicant asserts on page 31 that “Peachtree CANNOT be integrated into any word processor, spreadsheet and/or editing softer as it exists unto itself” Examiner respectfully disagrees and believes the record is clear from the previous Office action and therefore stands by the interpretation.

Pages 33-37 Applicant asserts that claims 13, 15, 17 and 23 have been amended but Applicant fails to discuss the specific claim language that is missing from Peachtree. Rather Applicant relies on general concepts from the Specification. Examiner reminds Applicant that the claims are to be given the broadest reasonable interpretation. As such Examiner believes the record is clear with respect to these claims and maintains the position previously stated.

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Applicant asserts on page 40 that Peachtree does not disclose or describe maintaining a direction field in the trial balance data structure for each account. Further the Cr/Dr column of the Table on page 2-18 represents a direction field for a transaction not for an account. Examiner respectfully disagrees and notes that all accounts of Peachtree must maintain a direction, this is clearly inherent to the accounts. Without a direction the distinction of Cr/Dr would be meaningless.

Examiner notes that on pages 42-45 Applicant presents an interpretation of the art and the present invention but submits no arguments with respect to a claimed limitation. As such Examiner believes the Office's position is clear from the previous office action and maintains that position with respect to these statements.

Applicant asserts that Sampson does not teach optimizing allocation of memory spaces for storing transactions included in the accounting data by storing debited account and a corresponding credited account in a single element of the transaction data structure thereby reducing the number of memory spaces that must be allocated for storing transactions. Examiner respectfully disagrees and relies on figure 3 and column 10, lines 53-65 of Sampson.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

jak

Michael Cuff 11/22/05
MICHAEL CUFF
PRIMARY EXAMINER